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|  | <p align="center"><b>STAFF REPORT AND RECOMMENDATION</b></p> <hr/> <p align="center"><b>KESTREL RIDGE</b></p> <p align="center">Public Hearing for the Kestrel Ridge Preliminary Plat and Planned Residential Development (PRD)</p>  |
| <b>HEARING EXAMINER:</b>  | Mr. Phil Obrechts, City of Monroe Hearing Examiner   |
| <b>DATE:</b>  | June 19, 2020  |
| <b>FILE NUMBERS:</b>  | PLPRD2018-01   |
| <b>DESCRIPTION:</b>   | Public Hearing for the Kestrel Ridge Preliminary Plat and Planned Residential Development (PRD) to subdivide approximately 8.90 acres into 46 single family residential building lots in the R4 zone   |
| <b>APPLICANT:</b>   | Kestrel Ridge 27, LLC<br>ATTN: Robert Fitzmaurice<br>15 Lake Bellevue Drive, Suite 102<br>Bellevue, WA 98005   |
| <b>PROJECT LOCATION:</b>  | The site is located at 13217, 13305 and 13323 Chain Lake Road, Monroe, WA 98272, Snohomish County tax parcel no(s). 28073100200600, 28073100202500 and 28073100202700. The project site is generally located within the Northwest or Northeast Quarter of Section 31, Township 28 North, Range 07 East Willamette Meridian (WM). |
| <b>HEARING DATE:</b>  | June 25, 2020 at 10:00 AM  |
| <b>HEARING LOCATION:</b>  | Monroe City Hall<br>Council Chambers<br>806 West Main Street<br>Monroe, WA 98272   |
| <b>STAFF CONTACT:</b>   | Amy Bright, Associate Planner, City of Monroe  |

**A. PROJECT DESCRIPTION**

The applicant is requesting concurrent preliminary plat and planned residential development (PRD) review and approval to subdivide a 8.90-acre site in to 46 single family residential lots in the R4 zone (Residential 4 Dwelling Units per Acre). The project site addressed as 13305, 13217 and 13323 Chain Lake Road, Monroe, WA 98272; and is identified by Snohomish County Tax Parcel Numbers 28073100200600, 28073100202500, and 28073100202700. The subject site contains existing mobile homes and associated appurtenances including an outbuilding. The existing structures are proposed to be demolished. Conceptual street improvements, clearing and grading, and installation of all utilities (sewer, water, storm, power, gas, telephone, cable and telecommunications, etc.) have been reviewed for compliance with the development standards in the applicable sections of the Monroe Municipal Code, as well as other pertinent documents adopted by reference in the code. Frontage improvements, including pavement, curb, gutter, planters, and sidewalks, will be required along internal access roads and Chain Lake Road adjacent to the project site.

**B. GENERAL INFORMATION**

1. Owners:  
Kestrel Ridge 27, LLC  
15 Lake Bellevue, Suite 102  
Bellevue, WA 98005

2. Applicant & Contact Person:

Robert Fitzmaurice  
15 Lake Bellevue, Suite 102  
Bellevue, WA 98005

3. General Location:

The parcels comprising the project site are identified by Snohomish County tax parcel identification numbers 28073100200600, 28073100202500, and 28073100202700. The parcels are generally located within the Northwest Quarter of Section 31, Township 28 North, Range 7 East Willamette Meridian (WM). (Exhibit 4).

4. Site Addresses:

13305, 13217, and 13323 Chain Lake Road, Monroe, WA 98272

5. Description of Proposal:

The applicant, Robert Fitzmaurice, has submitted an application for a preliminary plat and a preliminary planned residential development (PRD) to subdivide a three parcel, 8.90-acre site into 46 single-family residential building lots. The project site is located north and east of Chain Lake Road, east of Brown Road, and immediately south of the Snohomish County boundary line. The site is generally rectangular in shape with exception of one parcel containing a single family residence that is excluded from the project. The site currently contains the following structures:

| TAX PARCEL #   | EXISTING STRUCTURE(S) | TO BE DEMOLISHED? |
|----------------|-----------------------|-------------------|
| 28073100200600 | Mobile Home           | Yes               |
|                | Accessory Building    | Yes               |
|                | Accessory Building    | Yes               |
| 28073100202500 | Vacant                | n/a               |
| 28073100202700 | Mobile Home           | Yes               |
|                | Accessory Building    | Yes               |

Frontage improvements, including pavement, curb, gutter, planters, and sidewalks, will be required along internal access roads and Chain Lake Road adjacent to the project site.

6. Critical Areas:

The City's critical areas map does not indicate critical areas on the subject site. However, based on critical areas reconnaissance conducted on the three parcels, two Type IV wetlands were identified on Tax Parcel 28073100200600. No wetlands were observed on Tax Parcels 280773100202500 and 28073100202700. The proposal includes fill and mitigation for one Type IV wetland.

7. Comprehensive Plan Land Use Designations, Zoning Designations, and Existing Land Uses of the Project Site and Surrounding Area:

| AREA  | LAND USE DESIGNATION   | ZONING                                     | EXISTING USE  |
|---|--|--|---|
| <b>Project Site</b>                             | Low Density Single Family Residential (SFR)                            | Residential 4 Dwelling Units Per Acre (R4) | Single-family residences and associated accessory buildings |
| <b>North of Site</b><br><i>Snohomish County</i> | Rural Residential (1 DU/5 Acres Basic); Rural to Urban Transition Area | Rural 5-Acre                               | Single family residential and vacant parcels                |
| <b>South of Site</b>                            | Low Density Single Family Residential (SFR)                            | Residential 4 Dwelling Units Per Acre (R4) | Single family residential and vacant parcels                |
| <b>East of Site</b>                             | Low Density Single Family Residential (SFR)                            | Residential 4 Dwelling Units Per Acre (R4) | Vacant, Site of Wood Creek Highlands Preliminary Plat       |
| <b>West of Site</b>                             | Low Density Single Family Residential (SFR)                            | Residential 4 Dwelling Units Per Acre (R4) | Single family residential and vacant parcels                |

8. Public Utilities and Services Provided by:

|              |                            |           |                                      |
|--------------|----------------------------|-----------|--------------------------------------|
| Water:       | City of Monroe             | Gas:      | Puget Sound Energy                   |
| Sewer:       | City of Monroe             | Cable TV: | Comcast                              |
| Garbage:     | Republic Services          | Police:   | City of Monroe                       |
| Storm Water: | City of Monroe             | Fire:     | Snohomish County Fire District No. 7 |
| Telephone:   | Verizon                    | School:   | Monroe Public Schools                |
| Electricity: | Snohomish County PUD No. 1 | Hospital: | Evergreen Health                     |

**C. APPLICATION REVIEW PROCESS**

1. Regulatory Requirements for Review of Quasi-Judicial Actions:

Pursuant to Monroe Municipal Code (MMC) Sections 22.84.030(C)(8) and 22.84.060, preliminary plats and planned residential developments are quasi-judicial actions subject to a public hearing with the Hearing Examiner as the final decision body for the application.

The decision of the Hearing Examiner shall be final and conclusive, unless appealed as provided by law, in accordance with MMC Chapter 22.84.080. Appeals of final decisions on preliminary plats may be appealed to Snohomish County Superior Court (MMC 22.84.060).

2. Application Submittal and Completeness:

The Kestrel Ridge preliminary subdivision/PRD application was received by the City of Monroe on August 21, 2018 (Exhibit 4). The application was deemed complete and vested on September 21, 2018 (Exhibit 5). An amended Combined Permit Application was received by the City of Monroe on December 27, 2019. Subsequent to submitting the amended Combined Permit Application, the applicant submitted a letter (Exhibit 20) to the City acknowledging restarting the 120-day regulatory time clock as pursuant to RCW 36.70B.080.

3. Public Notification and Comments:

Public notice for the application was provided in accordance with the requirements of MMC section 22.84.050(A). A Notice of Application was published, mailed, and posted on September 27, 2018 (Exhibit 7). A public comment period was provided from September 27, 2018 through 5:00 PM on October 11, 2018. One email comment was received during the specified comment period from Lizzy Sandstrom with the Puget Sound Clean Air Agency (Exhibit 9a). One additional comment was received outside of the public comment period from Jason Zyskowski with PUD (Exhibit 9b). As an amended preliminary plat application (Exhibit 6a) was submitted on December 27, 2019, a second Notice of Application was published, mailed, and posted on January 10, 2020 (Exhibit 8). A public comment period was provided from January 10, 2020 through 5:00 PM on January 24, 2020. One email comment was

received during the specified comment period from Dave McConnell, Snohomish County Department of Parks, Recreation & Tourism (Exhibit 9c).

A Notice of Public Hearing was published, mailed, and posted on June 12, 2020 (Exhibit 12). The date of the open record public hearing with the Hearing Examiner is set for June 25, 2020 at 10:00AM.

4. Environmental Review:

A Mitigated Determination of Non-Significance (MDNS) was issued, published, posted, and mailed on May 7, 2020 (Exhibits 10 and 10a). Three mitigation conditions are required by the MDNS, as follows:

1. *Runoff from impervious surfaces and new lawns from surrounding lots (4, 5, 6, 7 and 8 in the August 2, 2019 report sheet 4 of 4) shall be infiltrated and dispersed toward Wetland A. The expectation is to supplement the Wetland A hydrology for surface and ground water input losses from the development proposed within the wetland A contributing basin.*
2. *The fill of Wetland B shall be mitigated pursuant to MMC 22.80.090(C) Credit/Debit Method. This action will require a U.S. Army Corps of Engineers Section 404 Permit for wetland fill. The proposal includes purchasing mitigation bank credits prior to building occupancy at a 0.85:1 ratio for a total of 1,313.25 square feet of purchased credits following the Kestrel Ridge Assessment Report and Conceptual Mitigation Plan dated August 2, 2019.*
3. *The applicant shall apply the applicable wetland protection requirements (physical and administrative) of MMC 20.05.070 Protection and mitigation measures (repealed) or its current equivalent MMC 22.80.080 including fencing and signage.*

The MDNS provided a concurrent comment and appeal period, which ended at 5:00 PM on May 21, 2020. No appeals regarding the SEPA threshold determination were received by the City during the specified appeal period.

As the original MDNS included a mitigation measure (Condition 1) that was outdated and no longer applicable to the current proposal, a Corrected Mitigated Determination of Non-Significance (Corrected MDNS) was issued, published, posted and mailed on May 13, 2020 (Exhibits 11, 11a, and 11b).

The two mitigation conditions required by the Corrected MDNS, are as follows:

1. *The fill of Wetland B shall be mitigated pursuant to MMC 22.80.090(C) Credit/Debit Method. This action will require a U.S. Army Corps of Engineers Section 404 Permit for wetland fill. The proposal includes purchasing mitigation bank credits prior to building occupancy at a 0.85:1 ratio for a total of 1,313.25 square feet of purchased credits following the Kestrel Ridge Assessment Report and Conceptual Mitigation Plan dated August 2, 2019.*
2. *The applicant shall apply the applicable wetland protection requirements (physical and administrative) of MMC 20.05.070 Protection and mitigation measures (repealed) or its current equivalent MMC 22.80.080 including fencing and signage.*

The Corrected MDNS provided a concurrent comment and appeal period, which ended at 5:00 PM on May 27, 2020. No comments or appeals regarding the SEPA threshold determination were received by the City during the specified appeal period.

**D. FINDINGS OF FACT**

1. Application Submittal and Completeness:

The application was originally received by the City of Monroe on August 21, 2018 (Exhibit 4). The application was deemed complete and vested on September 21, 2018 (Exhibit 5). An amended Combined Permit Application was received by the City of Monroe on December 27, 2019.

2. Environmental Review:

A SEPA Mitigated Determination of Non-Significance (MDNS) was issued on May 7, 2020. No comments were received and no appeals on the SEPA threshold determination were filed. A Corrected Mitigated Determination of Non-Significance (Corrected MDNS) was issued on May 11, 2020. No appeals on the corrected SEPA threshold determination were received.

3. Bulk Requirements and Dimensional Standards:

Per MMC section 18.10.050, Zoning Land Use Matrix, and MMC section 18.10.140, Bulk Requirements and Table A, the development shall comply with the following standards for the Residential 4 Dwellings per Acre (R4) zone for single family residential development:

| <b>Excerpt of MMC 18.10.140 – Table A</b>  |  |
|--|--|
| <i>Residential Zoning District Bulk Development Requirements for PRDs in R4 Zoning</i> |  |
| <b>Bulk Requirement</b>  | <b>Standard for PRDs</b>                           |
| Maximum density  | 4 dwelling units per acre                          |
| Minimum lot width  | 30 feet  |
| Minimum front yard setback   | 10 feet to the living area/20 feet from the garage |
| Minimum side yard setback  | 5 feet   |
| Minimum rear yard setback  | 10 feet  |
| Maximum building height  | 35 feet  |
| Maximum lot coverage   | 60 percent   |
| Landscape buffer   | 10 feet*   |

\* A landscape buffer is required along the outside of the development where it abuts a standard subdivision or different zoning district [MMC 18.10.140(Table A - Note 15)].

4. Residential Density Calculations and Allowance:

Sections 18.10.010(B), 18.84.080(K), 18.84.140, and 18.84.160(A) of the MMC delineate how an applicant can determine the maximum allowed residential density for a PRD.

To calculate the maximum allowed base density for a site in the R4 zone, multiply the gross site area, in acres, by four. The base density for the Kestrel Ridge site, with a gross site area of 8.90 acres, would be calculated as follows.

**Step 1.** Gross site area (in acres) \* 4 (4 dwelling units per acre in the R4 zone):

$$8.90 \text{ acres} * 4 = \underline{35.6 \text{ base dwelling units (base density)}}$$

Regulations governing the application of a density bonus to a PRD can be found in MMC 18.84.080(K)(2-4), MMC 18.84.150, and MMC 18.84.160(C). With the inclusion in a PRD of the required amount of open space specified in MMC 18.84.080(A)(1)(Table 1), a thirty percent density bonus will be granted in the R4 zone. Determining the density bonus in the R4 zone entails multiplying the base density calculated above by 0.30 to determine the total number of bonus units

allowed for the PRD. The density bonus for the subject site would be assessed as follows.

**Step 2.** Base density \* 0.30 (30 percent density bonus allowance for the R4 zone):

$$35.6 \text{ dwelling units (base density)} * 0.30 = \underline{10.68 \text{ units (density bonus)}}$$

**Step 3.** Density bonus + Base density = Maximum units for the PRD:

$$10.68 \text{ bonus units} + 35.6 \text{ base units} = \underline{46.28 \text{ units}}$$

**Step 4.** MMC 18.10.010(B)(1) requires that “when calculating the maximum residential density, any resulting fraction 0.50 or over shall be rounded up to the next whole number and any fraction 0.49 or under shall be rounded down to the preceding whole number:”

*A maximum of **46 units** are allowed in the Kestrel Ridge preliminary plat/PRD.*

The applicant is proposing 46 dwelling units, which is the maximum density allowed in the R4 zoning district. Thus, the density is consistent with that allowed by the zoning code.

5. MMC Title 17 Subdivision(s):

Pursuant to MMC 17.12.030(E), the City Planner, City Engineer, Fire Marshal, and Building Official have all reviewed and commented on the proposed project. Their comments are included in the body of this report and in the project permit conditions of approval.

6. MMC Title 17 Preliminary Plat Decision Criteria:

Pursuant to MMC 17.12.030(H)(1-3) the applicant shall comply with the following:

***The hearing authority shall consider if the proposed subdivision conforms to the comprehensive plan and the Shoreline Master Program;***

The City of Monroe’s 2015-2035 Comprehensive Plan Future Land Use Map designates the project site as “Low Density SFR.” The Property’s existing zoning designation for the preliminary plat/PRD is Single-Family Residential – 4 Units Per Acre (R4). The proposed preliminary plat and PRD, under R4 zoning, which provides for 4 dwelling units per acre, conforms to the City of Monroe’s 2015-2035 Comprehensive Plan “Low Density SFR” designation for density. The City of Monroe 2015-2035 Comprehensive Plan Table 3.07 provides the following description of the “Low Density SFR” land use plan designation:

*Low Density SFR*

*The Low Density Single-Family Residential designation will develop at an approximate gross density of three to five units per acre. This is a gross density, applying this density to every acre within the designation regardless of physical constraint. By using a gross density – and not one tied specifically to a particular lot size – developers can explore clustering or other creative design approaches when their sites include constraints imposed by critical areas, easements or rights of way. In cases where land is relatively free of constraint, single-family subdivisions in this designation may have individual lots ranging from about 9,000 square feet to 14,500 square feet. In highly constrained areas individual lots may be smaller. The Low Density SFR designation allows for parks. The Low Density SFR*

*designation allows for neighborhood scale retail and commercial developments along arterials.*

The site is not located within the shoreline jurisdiction for the City. Therefore, this provision does not apply.

***The hearing authority shall consider the physical characteristics of a proposed subdivision site and may recommend disapproval of a proposed plat because of improper protection from floods, inundation or wetland conditions;***

The site is not located within a floodplain. As described above, there are two wetlands on site. The proposal provides for mitigation measures for impacts to Wetland A and mitigation measures to Wetland B, although not required.

***All identified direct impacts must be mitigated or meet concurrency as set forth in MMC Title 20.***

All direct impacts of the proposal have been or will be mitigated through municipal code requirements and the conditions of preliminary plat approval.

Per MMC section 20.06.030(D), strategies and financial commitments shall be in place to complete necessary improvements or strategies within six years of time of development as set forth in the Comprehensive Plan. This includes the payment of mitigation and/or impact fees for water, wastewater, parks, transportation, and schools. Stormwater is mitigated on site by the applicant during subdivision improvement construction. The City of Monroe Police Department and Fire Districts #7 did not raise any concerns regarding level of service standards when provided the opportunity to comment on the proposed preliminary plat.

According to the information presented in the development application as well as the analysis completed by City staff, the development does not lower the level of service on the following public facilities and services below the minimum standards established within the City of Monroe Comprehensive Plan:

- a. Potable water;
- b. Wastewater;
- c. Storm water drainage;
- d. Police and fire protection;
- e. Parks and recreation;
- f. Arterial roadways; and
- g. Public schools.

7. RCW 58.17.110 - Approval or disapproval of subdivision and dedication-factors to be considered-Conditions of approval-Finding-Release from damages:

***1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine:***

***(a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts,***

***including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and***

The preliminary plat map (Exhibit 3) confirms that the preliminary plat application includes provisions for the public health, safety, and general welfare including open spaces, drainage ways, streets or roads, potable water, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks that assure safe walking conditions for students who only walk to and from school. The Monroe School District was notified of the development application. No comments were from the Monroe School District on the proposal.

***(b) Whether the public interest will be served by the subdivision and dedication.***

The public interest would be served by the subdivision and dedication, provided that the subdivision and dedication were developed under the current zoning district (R4). Under this scenario, an existing parcel in the City would be developed allowing for efficient provision of public services, consistent with densities identified in the Monroe 2015-2035 Comprehensive Plan.

***(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that:***

***(a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and***

The preliminary plat map (Exhibit 3) confirms that the preliminary plat application includes provisions for the public health. The Staff Analysis addresses the provisions made for safety and general welfare, including open spaces, drainage ways, streets or roads, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks that assure safe walking conditions for students who only walk to and from school.

***(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that:***

***(b) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and***



The proposal being reviewed by the Hearing Examiner does not adversely change the preliminary plat's/PRD provisions for the public health. The conditions of the approved preliminary plat address safety, and general welfare, including open spaces, drainage ways, streets or roads, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks that assure safe walking conditions for students who walk to and from school.

***(c) The public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.***

Areas designated for dedication to the City of Monroe are clearly shown on the face of the plat and are noted in the conditions of preliminary plat approval. Furthermore, said dedications shall be included on the face of the final plat. The subject proposal does not include dedication of a public park. Private recreation space has been provided in Tract A. Required site improvements and impact fees will be required as conditions of plat approval. The Washington State Growth Management Act requires that jurisdictions that plan shall have sufficient housing capacity to meet projected growth targets. The proposed plat/PRD increases the residential density of the City by creating lots to accommodate future population growth, which increases the City's housing capacity.

8. MMC Title 18 Planned Residential Development Decision Criteria:

The applicant has applied for a preliminary PRD as part of the preliminary plat application. PRDs are intended to promote creativity in site layout and design, allowing flexibility in the application of the standards for residential development to protect and enhance environmental features, and provide other public benefits. As part of the proposed preliminary plat/PRD the applicant is proposing landscaping and additional open space and park improvements.

***Per MMC section 18.84.080, the applicant must meet the general requirements for a PRD. These criteria, followed by a staff response, are provided below:***

***a) The inclusion of housing site standards as described in subsection (G) of this section.***

Preliminary housing elevations have been provided to the City. However, the approval of the preliminary plat and PRD does not lock the applicant into said elevations; rather the applicant shall provide housing elevations/facades review in accordance with the above subsection at the time of building permit application.

**b) The inclusion of street and site design standards as described in subsection (H) of this section.**

The applicant is providing a single primary public street and two private access tracts that each serve four lots with varied street sections based on the widths of proposed rights-of-way or tract widths (Exhibit 3). The proposed street will be fully paved with sidewalks, planter strips, and curb and gutter. The private access tracts will have 20 feet of pavement and 5 foot sidewalks on both sides. The applicant will also be improving the adjacent 45 feet of Chain Lake Road SE, which has a total ROW width of 90 feet. When the properties to the south are developed, additional ROW will be dedicated to add the remainder of the travel lane, planter strip, and sidewalk to the south for a complete road section. The improvements for the applicant's 45 foot portion of the 90-foot wide road section are proposed generally in the order specified in the following table:

| <b>Proposed Improvement</b> | <b>Width</b>              |
|-----------------------------|---------------------------|
| 1. Planter Strip            | Varies from 2 to 12 feet  |
| 2. Sidewalk                 | 5 feet                    |
| 3. Planter strip            | 7'                        |
| 4. Shoulder                 | Varies from 11 to 20 feet |
| 5. Travel lane 1            | 11 feet                   |
| <b>Total width</b>          | <b>45 feet*</b>           |

The primary internal street right-of-way width is 60 feet. The improvements for a typical 60-foot wide road section are proposed generally in the order specified in the following table:

| <b>Proposed Improvement</b> | <b>Width</b>    |
|-----------------------------|-----------------|
| 1. Sidewalk                 | 5 feet          |
| 2. Planter strip            | 7 feet          |
| 3. Parking lane             | 8 feet          |
| 4. Travel lane 1            | 10 feet         |
| 5. Travel lane 2            | 10 feet         |
| 6. Parking lane             | 8 feet          |
| 7. Planter strip            | 7 feet          |
| 8. Sidewalk                 | 5 feet          |
| <b>Total width</b>          | <b>60 feet*</b> |

**c) The inclusion of park recreational usable open space and landscaping as described in subsection (I) of this section.**

Pursuant to MMC 18.84.080(A)(1), a PRD located within the R4 zone must dedicate a minimum area of 900 square feet of usable park and recreational open space per base dwelling unit. The applicant is requesting to subdivide the subject site into 46 single-family residential lots. Based on the 36 allowed base units, a minimum useable open space dedication of 32,400 square feet is required (.74 acres). Within Tract A, the applicant is providing a total open space gross area of 44,546 square feet (1.02 acres), which includes 40,000 square feet (.92 acres) of useable open space. Therefore, the proposal exceeds the minimum required dedication of 900 square feet per base unit. Pursuant to MMC 18.84.080(I)(2), "All park and recreational usable open space shall be three-fourths acre or larger."

Tract A provides a useable open space with an area greater than three-fourths of an acre.

As discussed above, the proposed subdivision provides one private neighborhood park within the development. Tract A (44,546 sq. ft.) will provide active and passive recreation and will contain a gravel trail, an asphalt path, an ADA accessible playground, tables, and benches (Exhibit 13). Maintenance of the park and recreation and critical areas tract (A) and future development tract (B) shall be the responsibility of the homeowner's association.

***d) The inclusion of landscape design standards as described in subsection (J) of this section.***

The project proposes additional landscaping within park Tract A and future development Tract B. The project also includes street trees located within five-foot landscape strips along the new interior public streets and adjacent to the north of Chain Lake Road SE. A 10-foot wide landscaping buffer is provided adjacent to the north site boundary per MMC 18.10.140.

***MMC section 18.84.120 states that a Preliminary Development Plan shall be approved if the plan meets the following criteria:***

- a) The PRD is in accordance with the comprehensive plan; and***
- b) The PRD accomplishes a development that is better than that resulting from traditional development and provides a net benefit to the city. A net benefit to the city may be demonstrated by the following:***
  - a. Conservation of natural features and sensitive area***
  - b. Placement, style or design of structures***
  - c. Recreational facilities***
  - d. Interconnected usable open space***
  - e. Provision of other public facilities***
  - f. Aesthetic features and harmonious design***
  - g. Energy-efficient site design and/or building features***
- c) The PRD will be served by adequate public facilities including streets, fire protection, water, storm water drainage, and sanitary sewer for acceptable waste controls as demonstrated by the submittal and review of plans for such facilities as described under MMC 18.84.060.***
- d) The proposed landscaping within the PRD's perimeter is superior to that normally required by the city.***
- e) At least one major circulation point is functionally connected to a public right-of-way.***
- f) The open space within the PRD is integrated into the design of the project rather than an isolated element.***
- g) The PRD is compatible with the adjacent development.***
- h) Undeveloped land adjoining the PRD may be developed in coordination with the PRD.***

- i) The PRD is harmonious and appropriate in design, character, and appearance to the existing or intended character of development in the immediate vicinity.***
- j) Roads, streets and sidewalks, existing and proposed, comply with the standards and requirements of this chapter and the Monroe Municipal Code.***
- k) Each phase of the PRD, as it is completed, shall contain the required parking spaces, open space, recreation facilities, landscaping, and utility area planned for that phase.***

A PRD developed under the R4 zoning district development standards is consistent with the City of Monroe 2015-2035 Comprehensive Plan Low Density SFR land use designation. A review of the development plans for the site against the above PRD criteria finds that the development would meet the above criteria. The development would meet the City's goals of conservation of natural areas and provision of recreational facilities. The site will be served by adequate public facilities and streets and is compatible with adjacent development. The open space and private park provided in Tract A is integrated into the design of the project and is not isolated.

**9. Critical Areas:**

The City's critical areas map does not indicate critical areas on the subject site. However, after a critical areas review was conducted on the three parcels (Exhibits 15a and 15b), two Type IV wetlands were identified on Tax Parcel 28073100200600.

While the project was carefully designed in order to avoid impacts to critical areas to the greatest extent feasible, complete avoidance of wetlands was not possible due to the required frontage improvements along Chain Lake Road SE. Consequently, the proposal includes the fill and mitigation of Wetland B. Compensatory mitigation is to be provided in the form of purchasing credits from the Snohomish Basin Mitigation Bank.

As Wetland A is an isolated Category IV wetland less than 4,000 square feet and meets the requirements per MMC 20.05.050.B.1 and is exempt from the development provisions within MMC 20.05. As Wetland A is exempt from the regulations within MMC 20.05, the wetland does not require an associated buffer. Furthermore, Wetland A will not be directly impacted. The applicant is committed to avoiding and minimizing impacts by implementing appropriate minimization techniques presented in MMC 20.05.080.D.4 which includes impact minimization techniques and appropriate best management practices (BMPs) and Temporary Erosion and Sediment Control Measures (TESC).

No wetlands were observed on Tax Parcels 28073100202500 (Exhibit 15a) or 28073100202700 (Exhibit 15b).

**10. Utilities:**

A PRD developed under the existing R4 zoning district standards has sufficient capacity available in the City's public water and sanitary sewer system to serve the proposed subdivision. All lots will connect to the City's water and sewer system. Sanitary sewer and water lines will be constructed in the proposed public rights-of-way in accordance with the City's Public Works Design and Construction Standards. The conceptual utilities plan is attached as Exhibit 14.

As part of the civil plan review process, the applicant will install improvements to the stormwater system. Stormwater management will be designed to meet the requirements of the Department of Ecology Storm Water Management Manual for Western Washington (2012, as amended in December 2014) as administered by the City Engineer. Any future permitted activities, such as building permits, will also have to comply with the provisions of the Storm Water Management Manual in effect at the time of the vesting of the permit application. The manual currently in use is the 2014 update to the 2012 Department of Ecology Storm Water Management Manual for Western Washington.

11. Streets and Traffic:

Access to the subdivision is proposed from Chain Lake Road. During the entire review process a second road connection was shown from 134<sup>th</sup> Street SE through the adjacent Woods Creek Highlands plat. Woods Creek Highlands obtained preliminary plat approval on June 24, 2019, however, as of June 19, 2020, construction has not begun and the City has not approved construction plans. A second connection to a public road shall be required before full development of Kestrel Ridge. That connection can be provided by an emergency access road meeting City standards in a dedicated and recorded easement or by another public road connection as originally anticipated during the review process (Exhibit 21). At the recommendation of the Snohomish County Fire District No. 7, and as supported by City staff, the Kestrel Ridge plat shall be limited to building permits on twenty-nine (29) lots **until such time that an approved secondary access road is in place**. In addition, the primary Kestrel Ridge Road A shall terminate in a cul-de-sac that will be shown on the final construction plans unless and until the public road connection at the terminus of Road A has been constructed and approved.

Internal access to individual lots will be provided by new public roads and private access tracts. As described above, the width of a proposed right-of-way will be 60 feet. The proposed right-of-way configuration accommodates two 10-foot wide drive aisles, an 8-foot wide parking lane, 7-foot wide planter strips, and 5-foot wide sidewalks. A 60-foot wide right-of-way will allow for planter strips and sidewalks on both sides. These public road sections are in conformance with the City's Public Works and Design Construction Standards.

The proponent shall dedicate right-of-way for streets as shown on the proposed preliminary plat map. Frontage improvements, including curb, gutter, sidewalk and street trees shall be provided for all public streets within the subdivision. Frontage improvements along Chain Lake Road SE include curb and gutter, a landscape strip with street trees, and a five (5) foot wide sidewalk along the entire length of the property frontage. Traffic control devices and street signs shall be installed prior to final plat approval, and all public roads within the subdivision shall be constructed in accordance with the City's Public Works Design and Construction Standards and installed by the developer to the satisfaction of the City prior to final plat approval.

Impacts to the City's transportation system are mitigated through the collection of traffic mitigation fees. In accordance with the City's traffic impact fee program under MMC Chapter 3.54, impact fees require a standard fee amount per dwelling unit as a condition of residential development within the City. Traffic impact fees shall be paid in accordance with MMC Chapter 3.54 and shall be based on the amount in effect at the time of payment.

**12. Park and Recreation Usable Open Space:**

The proposed subdivision provides one private neighborhood park within the development. Tract A (44,546 sq ft) will contain 40,000 square feet of usable open space and will include a gravel path, an asphalt path, an ADA accessible playground, tables, and benches (Exhibit 13). Maintenance of the park and recreation tract (A), as well as the future development tract (B) shall be the responsibility of the homeowner's association.

Impacts to the City park and recreation system from the anticipated additional public park users will be mitigated. In accordance with the City's park impact mitigation fees established under MMC Chapter 3.52, impact fees require a standard fee amount per dwelling unit as a condition of residential development within the city. Park impact fees shall be paid in accordance with MMC 3.52. Park impact fees shall be based on the fee amount in effect at the time of payment.

Schools: Impacts to the Monroe Public Schools and the Snohomish School District in the form of additional students are addressed through mitigation programs. The City of Monroe has adopted the Monroe and Snohomish School Districts' 2018 - 2023 Capital Facilities Plan, and imposes impact fees for schools in accordance with the plan and MMC Chapter 3.50. School impact fees require a standard fee amount per dwelling unit as a condition of residential development within the city. School impact fees are based on the amount in effect at the time of payment.

RCW 58.17.110(2) requires the City to make a finding that the proposed subdivision assures "safe walking conditions for students who only walk to and from school." Students will be bussed from the development to Park Place Middle School and Monroe High School by the Monroe School District. Most grade school students will be bussed to Chain Lake Elementary School. The public streets created within the subdivision generally include sidewalks on all sides of the street where residential lots front public roadways as well as a sidewalk along the property frontage adjacent to the north of Chain Lake Rd SE.

**13. Impact Fees and Capital Improvements:**

Development shall be subject to all applicable MMC requirements specifically including and without limitations, all applicable impact fees, and capital improvement charges pursuant to MMC section or chapter 13.04.025, 13.08.272, 3.50, 3.52, and 3.54.

**14. Preliminary Plat Expiration:**

Per MMC section 22.68.040(A)(5)(c), preliminary approval of a proposed plat shall be effective for a period not to exceed five years from the date of Hearing Examiner approval, or concurrently with the expiration of the preliminary plat, whichever occurs earlier.

**E. CONCLUSIONS OF LAW**

1. The City of Monroe 2015-2035 Comprehensive Plan Future Plan Map designation for the site is "Low Density SFR," which assumes an overall density of 3–5 dwelling units per acre. The site's present zoning designation of R4 is in compliance with the future land use designation adopted in the current Comprehensive Plan.
2. The proposed subdivision and PRD, as conditioned herein, will be consistent with the pertinent development goals and policies outlined in the Monroe 2015-2035 Comprehensive Plan.

3. The proposed subdivision, as conditioned herein, will be consistent with the applicable land division requirements outlined in MMC Title 17, Subdivisions.
4. The proposed subdivision, as conditioned herein, will be consistent with the pertinent development standards outlined in MMC Title 18, Planning and Zoning.
5. The proposed subdivision, as conditioned herein, will make appropriate provisions for public use and interest, health, safety, and general welfare.

**F. STAFF RECOMMENDATION**

Based on the Findings of Fact and Conclusions of Law detailed in the staff report, staff recommends that the Hearing Examiner **APPROVE** the Kestrel Ridge Preliminary Plat and Planned Residential Development (project number PLPRD2018-01), subject to the following conditions of preliminary approval.

1. All improvements shall be constructed in accordance with the approved preliminary plat map (Exhibit 3) and the 2<sup>nd</sup> Emergency Access Concept Map (Exhibit 21). Minor modifications of the plans submitted, as described in MMC 22.68.040(G), may be approved by the Community Development Director or his/her designee if the modifications do not change the Findings of Fact or the Conditions of Approval.
2. Final engineering drawings depicting the street improvements, water and sewer improvements, and drainage design shall be submitted to the City's Public Works Director for final review and approval before issuance of any grading permits. The street, water and sewer, and drainage improvements shall be designed in accordance with the City's most current Public Works Design and Construction Standards.
3. The Kestrel Ridge plat shall be limited to building permits on twenty-nine (29) lots until such time that the second road connection is in place as detailed in Finding of Fact 11, Streets and Traffic. In addition, the primary Kestrel Ridge road shall terminate in a cul-de-sac that will be shown on the final construction plans unless and until the public road connection has been made.
4. The developer is required to connect the internal access road to Woods Creek Highlands when it becomes available as a public road, and remove the temporary access improvements when that connection is made.
5. The project shall implement all of the applicable recommendations contained in the following technical reports submitted to the City:
  - a. Preliminary Storm Drainage Report, prepared by CPH Consultants, dated December 23, 2019 (Exhibit 17).
  - b. Geotechnical Report, prepared by Earth Solutions NW, LLC, dated December 26, 2019 (Exhibit 16).

**CLEARING AND GRADING**

1. A comprehensive erosion and sedimentation control plan to ensure appropriate on-site and off-site water quality control shall be developed and implemented for all construction activities. The Best Management Practices outlined in the 2014 DOE Stormwater Management Manual for Western Washington shall be incorporated into the design. At a minimum, the plan shall include the following elements:
  - a. Exposed soils shall be stabilized and protected with straw, hydro-seeding or other appropriate materials to limit the extent and duration of exposure;
  - b. Disturbed areas shall be protected from storm water runoff impacts through the use of silt fence. Other means of filtration of storm water runoff and for limiting erosion/sedimentation such as check dams, and sediment traps may be required and are recommended.

- c. Clearing and grading activities shall not be performed in the winter-wet season when soils are unstable.
2. Any wells located on the site shall be decommissioned prior to clearing and grading.

### **STORM DRAINAGE IMPROVEMENTS**

1. The stormwater system design and stormwater discharge shall utilize the Best Management Practices of the 2014 DOE Stormwater Management Manual for Western Washington.
2. Stormwater pollution prevention measures shall be employed per the approved Stormwater Pollution Prevention Plan and as necessary to ensure appropriate on-site and off-site water quality control. Site runoff during construction shall be handled and treated as to quantity and quality impacts by utilizing Best Management Practices, as defined in the 2014 DOE Stormwater Management Manual for Western Washington.
3. The developer shall obtain a General Construction Stormwater NPDES Permit from the WA Department of Ecology (DOE) prior to beginning construction.

### **ROAD IMPROVEMENTS**

1. Frontage improvements, including curb, gutter, sidewalk, street trees, and traffic control devices shall be provided for all streets within the subdivision; shall be constructed in accordance with the City's most current Public Works Design and Construction Standards; and are to be installed by the developer to the satisfaction of the City Engineer prior to final plat application.

### **CRITICAL AREAS**

1. The fill of Wetland B shall be mitigated pursuant to MMC 22.80.090(C) Credit/Debit Method. This action will require a U.S. Army Corps of Engineers Section 404 Permit for wetland fill. The proposal includes purchasing mitigation bank credits prior to building occupancy at a 0.85:1 ratio for a total of 1,313.25 square feet of purchased credits following the Kestrel Ridge Assessment Report and Conceptual Mitigation Plan dated August 2, 2019.
2. The applicant shall apply the applicable wetland protection requirements (physical and administrative) of MMC 20.05.070 Protection and mitigation measures (repealed) or its current equivalent MMC 22.80.080 including fencing and signage.

### **LANDSCAPING**

1. Street trees shall be provided per the approved landscape plan. Street trees shall be planted when a street frontage is fully owner occupied and as directed by the City of Monroe. The City will coordinate tree plantings to the most favorable time of the year for plant survival. All street frontage landscaping/irrigation improvements shall be bonded until such time that housing construction is completed and bonded work may be completed without risk of construction damage.
2. Irrigation is required for all street trees and newly planted vegetation. The applicant shall construct said irrigation system as consistent with a City-approved irrigation plan prior to construction.
3. The proposed trail located in Tract A shall be rerouted so as not to circle Wetland A. The new route shall follow a circular pattern at the western portion of Tract A.

### **FIRE**

1. The following requirements shall be adhered to during construction and completed before occupancy of any structure in accordance with the 2015 International Fire Code:



- a. Fire hydrants shall be provided in accordance with city standards and the direction of the Fire Marshal
- b. Fire Hydrants shall be installed as per fire flow and spacing requirements specified for the type of development with regards to distances to structures;
- c. Fire hydrants shall be equipped with four (4) inch quarter-turn Storz adapters;
- d. An access route, for firefighting apparatus, must be provided at the start of construction. Minimum access route requirements include a 20' width, 13'6" vertical height clearance, and the ability to support a load up to 75,000 pounds;
- e. All buildings must be addressed visibly and legibly from the road. When buildings are not visible from the street, appropriate provisions must be made to identify clearly which road or drive serves the appropriate address including private roads.
- f. No parking signs are required, as directed by the Fire Marshal, for all streets and access tracts with a width less than 32' and within turnaround areas.

## **FEES**

1. Prior to approval of the final plat, all landscaping associated with the plat shall require the submittal of an acceptable warranty surety to warrant all required landscaping improvements against defects in labor materials for a period of 24 months after acceptance of those improvements by the City. The warranty amount shall be equal to fifteen (15) percent of the costs of the improvements, as determined by the Zoning Administrator.
2. Prior to approval of the final plat, the developer shall submit an acceptable warranty surety to warrant all required public improvements, installed, against defects in labor and materials for a period of 24 months after acceptance of those improvements by the City. The warranty amount shall be equal to ten (10) percent of the costs of the improvements, as determined by the Public Works Director. The surety shall be submitted to and approved by the City of Monroe and executed prior to final plat approval.
3. School, park, and traffic impact fees assessed in accordance with MMC Chapters 3.50, 3.52, and 3.54, respectively, shall be required and paid at the rate in effect at the time of building permit issuance.
4. The water system capital improvement charge, in accordance with MMC Section 13.04.025, shall be required and paid prior to building permit issuance.
5. The wastewater system capital improvement charge, in accordance with MMC Section 13.08.272, shall be required and paid prior to building permit issuance.

## **FINAL PLAT**

1. Prior to Final Plat submittal, all improvements shall be installed, inspected, and approved by the City Engineer per the approved plans. All improvements shall be constructed in accordance with the approved engineering plans and preliminary plat map. Minor modifications of the plans submitted may be approved by the Zoning Administrator if the modifications do not change the Preliminary Plat Findings of Fact and/or Conditions of Approval.
2. All lot corners shall be installed with rod and cap or other City-approved survey method prior to Final Plat approval.
3. All existing and proposed easements and maintenance agreements shall be clearly shown and labeled on the final plat.
4. The following note shall appear on the face of the Final Plat Map: "The Homeowners Association is responsible for maintaining, in a uniform manner, all landscaping and irrigation within all commonly owned Tracts and easements."
5. As this plat includes a dedication, the following Waiver of Claims for Damages Statement shall appear on the face of the Final Plat Map:

*This dedication includes conveyance of roads, tracts, utility and storm drainage infrastructure, and other areas of right-of-way intended for public use and/or ownership as shown on or otherwise referenced by the plat. The [insert name here] hereby waives all claims against the City of Monroe and/or any other governmental authority for damages which may occur to the adjacent land as a result of the construction, drainage and maintenance of such facilities and improvements.*

6. If the final plat contains dedication of land for public purposes, it shall contain the following statement:

*Know all men by these presents that (name of developer) do hereby declare this plat and dedicate to the public forever all roads and ways and other public property shown hereon, and the use thereof for any and all public purposes, with the right to make all necessary slopes for cuts and fills, and the right to continue to drain the roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.*

*Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of such lot shall be done by and at the expense of such owner, but only after approval by the city engineer.*

7. The final plat shall provide space for the approving signatures of the zoning administrator, city engineer, and the mayor. The city clerk shall attest the signatures.
8. The title block on the final plat map shall have the names of all the legal owners of the property named on the plat and the name of the surveyor/engineering firm which prepared the final plat map.
9. An Auditor's Certificate shall be shown on the final plat map.
10. The following are required to be shown on the face of the final plat map:
  - c. Surveyor Certificate;
  - d. Correct legal description of all lots as set out in Chapter 58.17 RCW;
  - e. Owners Statement;
  - f. All new easement(s) over the property, their legal description(s) and associated dedication block(s);
  - g. Recording block/Certification blocks for City approval;
  - h. North arrow;
  - i. Certification of Payment of Taxes and Assessments;
  - j. Auditor's Certificate; and
  - k. The survey control scheme, monumentation, basis of bearing and references.

## **MISCELLANEOUS**

1. Preliminary plat approval shall be effective for no longer than the maximum time allowed pursuant to MMC 22.68.040(A)(5)(c).
2. If applicable, at the time of final plat submittal the developer shall submit a group mailbox plan, approved by the U.S. Post Office, to the Planning Department for final addressing.
3. Mail routes, including mailbox types and locations, shall be approved by the Postmaster prior to construction.
4. The developer shall submit a copy of the final plat to the Snohomish County Assessor's at 3000 Rockefeller Avenue, Everett, WA 98201-4060 for recording.
5. All construction equipment, building materials, and debris shall be stored on the applicant's property, out of the public right-of-way. In no case shall the access to

- any private or public property be blocked or impinged upon without prior consent from the affected property owners and the City of Monroe.
6. If at any time during clearing, grading and construction the streets are not kept clean and clear, all work will stop until the streets are cleaned and maintained in a manner acceptable to the Public Works Director.
  7. Pursuant to MMC 6.04.055(B)(1), construction noise is not allowed Monday through Friday between the hours of 8 P.M. and 7 A.M., and from 8 P.M. and 9:00 A.M. on the weekend.
  8. All signs, if any, shown on the approved plans for the subdivision are for illustrative purposes only. Pursuant to Monroe Municipal Code 22.50, a sign permit must be obtained for the placement of any non-exempt signage. An application for a sign permit shall include an approved site plan specifying the location of all signs.
  9. The developer and contractor shall attend a pre-construction meeting with City staff to discuss expectations and limitations of the project permit before starting construction.
  10. The developer shall provide the City with a bill of sale for all public improvements associated with the plat construction transferring ownership to the City. However, such transfer of ownership shall not relieve the developer of warranty obligations as defined in the MMC and the City's Public Works Design and Construction Standards.